

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEYWANIE S. BRIDGEWATER,

Plaintiff,

v.

RE-PC RECYCLED COMPUTERS &
PERIPHERALS,

Defendant.

CASE NO. C23-0965-JCC

ORDER

This matter comes before the Court *sua sponte*. On June 30, 2023, the Honorable Michelle L. Peterson, United States Magistrate Judge, granted Plaintiff's motion for leave to proceed *in forma pauperis*. (Dkt. No. 4.) Plaintiff's handwritten complaint (Dkt. No. 5) was entered shortly thereafter.

Once a complaint is filed *in forma pauperis*, the Court must dismiss it prior to service if it "fails to state a claim on which relief can be granted." 28 U.S.C. § 1915(e)(2)(b)(ii); *see Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). To avoid dismissal, the complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). The factual allegations must be "enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The complaint may be dismissed if it lacks a cognizable legal theory or states insufficient

1 facts to support a cognizable legal theory. *Zixiang v. Kerry*, 710 F.3d 995, 999 (9th Cir. 2013).
2 The allegations must also support this Court's subject matter jurisdiction. *See Safe Air for*
3 *Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004).

4 Plaintiff asks the Court to require Defendant to unlock its wireless internet network. (Dkt.
5 No. 5 at 3.) Plaintiff does not, however, state any plausible claims for relief. (*See generally* Dkt.
6 No. 5.) And based on the facts presented, it is clear that the deficiencies of the complaint cannot
7 be cured by amendment. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). The Court
8 need not provide leave to amend when doing so would be futile. *Barahona v. Union Pac. R.R.*
9 *Co.*, 881 F.3d 1122, 1134 (9th Cir. 2018).

10 For the foregoing reasons, the Court DISMISSES the complaint without prejudice.

11 DATED this 27th day of July 2023.

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15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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